

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JENNIFER DOLD, personal representative of  
the estate of Alexander Dold; and KATHY  
DUNCAN, mother of Alexander Dold,

Plaintiffs,

vs.

SNOHOMISH COUNTY, a political  
subdivision of the State of Washington;  
BRYSON McGEE; and CODY McCOY,

Defendants.

No. 2:20-cv-00383-RAJ

DECLARATION OF NICK D. GROSS  
IN SUPPORT OF DEFENDANT  
SNOHOMISH COUNTY'S  
RESPONSE TO PLAINTIFFS'  
MOTION TO DISQUALIFY  
DEFENDANTS' EXPERT MARK  
KROLL, PH.D.

NOTED FOR APRIL 8, 2022  
ORAL ARGUMENT REQUESTED

I, Nick D. Gross, declare as follows:

1. I am one of the attorneys of record for Defendant Snohomish County in this matter, am over the age of 18 and make this declaration based upon personal knowledge.

2. Attached hereto are true and correct copies of the following exhibits:

Exhibit A: SMART Report (Dold\_007739-40);

Exhibit B: Expert Report of Mark Kroll, PhD;

Exhibit C: Expert Report of Kris Perry, M.D, Forensic Pathologist (pgs. 7, 9);

Exhibit D: Deposition of Kris Sperry, M.D. (83:23-84:10)(105: 19-21);

Exhibit E: Snohomish County Medical Examiner's Office Autopsy Report (pgs. 1, 3);


Exhibit F: Deposition of Mark Kroll, PhD. (15: 18-23, 24:24-25:4, and 78: 24-80: 5);

1 Exhibit G: Mark Kroll's, PhD, Curriculum Vitae; and

2 Exhibit H: Axon Enterprises, *TASER Handheld Energy Weapon Warnings, Instructions,*  
3 *and Information: Law Enforcement*, [https://axon-2.cdn.prismic.io/axon-2/19c2d86c-](https://axon-2.cdn.prismic.io/axon-2/19c2d86c-c983-4d9f-bac4-dd6bdb8ce29c_Law+Enforcement+Warnings+8_5x11.pdf)  
4 [c983-4d9f-bac4-dd6bdb8ce29c\\_Law+Enforcement+Warnings+8\\_5x11.pdf](https://axon-2.cdn.prismic.io/axon-2/19c2d86c-c983-4d9f-bac4-dd6bdb8ce29c_Law+Enforcement+Warnings+8_5x11.pdf) (last visited  
5 April 4, 2022).

6 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE  
7 OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

8 Dated this 4<sup>th</sup> day of April, in Seattle, Washington.

9  
10 By:   
11 Nick Gross, WSBA #48236  
Attorney for Defendant Snohomish County

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**CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I electronically filed the foregoing  
**DECLARATION OF NICK D. GROSS IN SUPPORT OF DEFENDANT SNOHOMISH COUNTY'S RESPONSE TO PLAINTIFFS' MOTION TO DISQUALIFY DEFENDANTS' EXPERT MARK KROLL, PH.D.** with the Clerk of the Court using their CM/ECF system which will send notification of such filing to the following:

*Attorney for Plaintiffs Jennifer Dold, P.R.  
for the Estate of Alexander Dold; and Kathy  
Duncan*

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DATED this 4<sup>th</sup> day of April 2022 at Seattle, Washington.



Stephanie Johnson